

March 11 2010

FILED

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

MAR 11 2010

*Ed Smith*CLERK OF THE SUPREME COURT
STATE OF MONTANA

Jeremy S. Yellin, Esq.
Attorney at Law
P. O. Box 564
Havre, MT 59501
(406) 265-3303

ATTORNEY FOR DEFENDANT

IN THE SUPREME COURT OF THE STATE OF MONTANA

STATE OF MONTANA,

Cause No.: DA-09-0501

Plaintiff and Appellee,

v.

**MOTION TO SUPPLEMENT RECORD
AND EXTEND BRIEFING
DEADLINE**

KEVIN LEE CHRISTIANSEN,

Defendant and Appellant.

COMES NOW Defendant/Appellant (Mr. Christiansen herein) by and through the undersigned, and hereby moves the court for an Order extending the deadline for appellant briefing currently scheduled for March 11, 2010.

The basis for this motion is that during preparation of the opening brief, the undersigned learned that he does not have the complete transcript from the June 4 - 5, 2009, re-trial of this matter. There are some small, but significant portions of the transcript missing. The undersigned would like to supplement the court's file with these portions of the transcript.

Second, the undersigned realized while preparing and researching this appeal, that he will need the transcript from the first trial, conducted on December 18 - 19, 2008, which resulted in a hung jury. Unfortunately, this first trial transcript was not ordered.

The undersigned has spoken with the Court Reporter, and believes he can have the above items within thirty (30) days. He will need another fifteen (15) days from receiving these items to prepare and draft the brief. The undersigned asks for a forty-five (45) day extension to file the opening brief in this matter.

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The undersigned's office has contacted opposing counsel regarding the filing of this motion, who has indicated he has no objection to same.

DATED this _____ day of March, 2010.

Jeremy S. Yellin, Esq.

Certificate of Service

I hereby certify that on the ____ day of March, 2010, I;

☒ Mailed

☐ Hand-delivered

☐ Faxed

a copy of the forgoing document to the following:

Clerk of Montana Supreme Court

Ed Smith

Room 323, Justice Building

215 North Sanders

P.O. Box 203003

Helena, MT 59620

Attorney General Mark Mattioli

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Havre, MT 59501

Beth K. Hannah

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

KEVIN LEE CHRISTIANSEN,

Defendant and Appellant.

Cause No.: DA-09-0501

**AFFIDAVIT IN SUPPORT OF
MOTION TO EXTEND**

STATE OF MONTANA

County of Hill

ss.

I, Jeremy S. Yellin, after being duly sworn, upon my oath, do depose and say as follows:

1. That your affiant has been unable to prepare a brief in this matter;
2. That your affiant does not have a complete transcript from the June 4 - 5, 2009, retrial in this matter;
3. That your affiant does not have the transcript from the first trial on December 18 -19, 2008, which resulted in a hung jury, in this matter;
4. That your affiant needs both of these items to best research and prepare his brief;
5. That your affiant believes he will receive the transcripts in about thirty (30) days, or April 9, 2010.
6. That after your affiant receives the transcripts, he will need an extra fifteen (15) days to draft and prepare the brief;
7. That your affiant needs a forty-five (45) day extension in this matter to file the opening brief;
8. That your affiant spoke to opposing counsel and he does not oppose this motion;

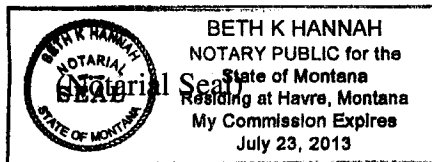
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9. FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this day of March, 2010.

Jeremy S. Yellin, Esq.

SUBSCRIBED AND SWORN to before me this 10 day of March, 2010.



Beth K Hannah

Notary Public for the State of Montana.
Printed Name Beth K Hannah
Residing at Havre, MT
My commission expires: 7/23/13